

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JAMES JORDAN, et al., on behalf of	)	
themselves and all others similarly	)	
situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	1:21-CV-914 and 1:22-CV-483
	)	
PREFERRED FINANCIAL	)	
CORPORATION, LLC, and GREG E.	)	
LINDBERG,	)	
	)	
Defendants.	)	

**ORDER**

The Court has previously granted the plaintiffs' motion for class certification, reserving issues as to the class notice and logistics. Doc. 43. The Court has reviewed all matters of record, including the briefs, the proposed notices, and the joint supplemental brief in response to the Court's questions, as well as the revised notices sent via email to the case manager which incorporate the matters discussed in the joint supplemental brief but which otherwise do not differ from the earlier proposals.

The Court finds and concludes that the plaintiffs' proposed postcard notice and long-form notice, with minor modifications, meet the requirements of Federal Rule of Civil Procedure 23. They will be approved as modified.

The plaintiffs suggest that a third-party administrator is appropriate to mail the notices, receive opt-out requests, and manage the website related to this litigation, along with other administrative tasks. The Court is familiar with the plaintiffs' proposed

administrator, KCC Class Action Services, LLC, from other litigation, and it has served as class administrator without issues. The defendants have raised no concerns about KCC's qualifications. The Court will appoint KCC Class Action Services, LLC, to serve as class administrator for the tasks set forth herein.

It is **ORDERED** that:

1. The plaintiffs' proposed notices, Docs. 44-1 and 44-2, are **APPROVED** with the following modifications:
  - a. Paragraph 12 of the long-form notice, Doc. 44-2, **SHALL** be modified as the parties proposed in their joint supplemental brief, Doc. 47 at 3, by adding this language after the first sentence:

You should opt out if you do not want to pursue payment of unpaid commissions solely based upon the theory and in the manner proposed by class counsel. Class counsel has asserted claims against Defendants based on breach of contract. Thus, if you wish to pursue any other claim against either PFC or Lindberg, you should opt out of this case.
  - b. Paragraph 20 of the long-form notice, Doc. 44-2, **SHALL** be modified to say "If you move or your contact information changes" instead of "If you wish to update your contact information."
  - c. The word "please" in paragraph 21 of the long-form notice, Doc. 44-2, **SHALL** be deleted.
  - d. Dates, emails, and addresses established or approved herein and website information **SHALL** be inserted.

2. KCC Class Action Services is **APPROVED** and **APPOINTED** as the Class Administrator.
3. KCC **SHALL** mail the approved postcard notice within 21 days of the entry of this Order. If KCC receives undeliverable notices, it **SHALL** attempt to trace the relevant class members and re-mail the notices.
4. Before the mailing of the notices, KCC **SHALL** create the website containing the necessary information for the class members, including the approved long-form notice, and **SHALL** update and maintain the website until this case reaches final resolution. Class counsel **SHALL** provide all Orders entered in these cases other than Text Orders to KCC, who **SHALL** make them available on the website.
5. Requests by class members to exclude themselves **MUST** be returned to KCC no later than 60 days after the date on which KCC mails the notices to the class members.
6. KCC **SHALL** receive and track any opt-out requests and changes of address. KCC **SHALL** maintain opt-out requests and any other written communications from class members and **SHALL** make them available to counsel for the parties.
7. At the conclusion of the opt-out period, KCC **SHALL** consult with all counsel about the information to report to the Court. It **SHALL** file a report with the Court no later than 90 days after mailing the notices detailing, at a minimum, the number of notices that were mailed, the number that were returned

undeliverable, the number that were remailed and the date(s) of remailing, the number that were again returned, and the number of class members who have opted out of the class action.

8. The trial will likely occur in 2024.

This the 6th day of February, 2023.



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UNITED STATES DISTRICT JUDGE